



METROPOLITAN  
TRANSPORTATION  
COMMISSION

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## *Memorandum*

TO: High School Intern & Supervisors

RE: Meal and Rest Periods, Proper Timecard Completion

This memo is intended to clarify California's law with regards to meal and rest periods. The California Labor Code section 512(a) requires a rest period of not less than ten (10) minutes for every four hours worked and specifies a minimum of thirty (30) minutes break for a work period of more than five hours per day.

A full day is a minimum of eight and a half hours (assuming an 8 hour day with 2-10 minute breaks and a 30 minute lunch period). The ten minute rest periods are paid time and are not written on the time card.

California law does allow employees working no more than six hours total in a day to waive their lunch period. However, it is strictly voluntary to do so. The Intern must sign the attached written statement for each day the lunch break is waived. Because the intent of the law is to guarantee the employee receives a needed break it is not a best practice to allow an Intern to do this on a regular basis.

The supervisor has an obligation and must take reasonable steps to ensure that the Intern;

- takes both rest and lunch breaks,
- is relieved of all duty,
- is not performing any work,
- and is free to leave the worksite.

Interns are not permitted under law to work through their breaks in exchange for;

- arriving late,
- gaining overtime hours,
- leaving early,
- or for other personal or professional reasons.

It is the supervisor's responsibility to review the Intern's timecard to confirm that the beginning and ending times, with appropriate unpaid lunch breaks, appear on the timecard prior to signing and submitting to employing agency.

These labor law requirements are to protect the health and welfare of the worker. Non-compliance can result in non-payment to the Intern until an accurate timecard is submitted. If you have questions, or if additional information is needed, please do not hesitate to contact, MTC Human Resources, Ann Macaulay, 510-817-5741.

Ann Macaulay, PHR  
Human Resources

**BECAUSE THIS IS AN OCCASION WHEN IT IS NOT ADVANTAGEOUS OR CONVENIENT FOR ME TO TAKE AN UNPAID LUNCH BREAK AND I AM WORKING NO MORE THAN A SIX (6) HOUR DAY; I AM REQUESTING THAT THE UNPAID BREAK BE WAIVED ON THE APPROVED DATE ONLY.**

**BY SIGNING THIS AGREEMENT, THE STUDENT INTERN IS WAIVING THE UNPAID BREAK FOR \_\_\_\_\_.**  
**DATE (cannot be for more than one day)**

**PRINT HIGH SCHOOL INTERN'S NAME BELOW:**

\_\_\_\_\_  
**FIRST LAST**

\_\_\_\_\_  
**STUDENT SIGNATURE**

\_\_\_\_\_  
**DATE**

**AS THE ABOVE STATED INTERNS SUPERVISOR I ACKNOWLEDGE RECIEPT OF AND AGREE TO THE REQUESTED UNPAID LUNCH BREAK.**

\_\_\_\_\_  
**PRINT SUPERVISOR'S NAME**

\_\_\_\_\_  
**SUPERVISOR'S SIGNATURE**

\_\_\_\_\_  
**DATE**